

SENATE JOURNAL.

THIRTY-FIRST LEGISLATURE—REGULAR SESSION.

FIRST DAY.

Senate Chamber,
Austin, Texas,
Tuesday, January 12, 1909.

In accordance with the laws of the State of Texas, the Senate of the Thirty-first Legislature met in the Senate Chamber in the Capitol in the City of Austin, at 12 o'clock meridian, and was called to order by Lieutenant Governor A. B. Davidson.

Rev. H. M. Sears of Austin invoked the blessings of Almighty God upon the assembling of the Senate and the Thirty-first Legislature.

TEMPORARY ORGANIZATION.

The Chair announced the appointment of the following temporary officers:

Secretary, Clyde D. Smith of Wichita county; Journal Clerk, R. M. Gilmore of Van Zandt county, and D. F. Hughes of Limestone county as Sergeant-at-Arms.

ROLL CALL.

The Chair then instructed the Secretary to call the roll of the hold-over Senators, the following answering to their names:

D. M. Alexander of Parker county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

W. J. Greer of Van Zandt county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

W. R. Holsey of Navarro county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

C. B. Hudspeth of El Paso county, representing District No. 25, composed of the counties of Kimble, Menard,

Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick, Mason, Crockett, Reagan and Terrell.

E. I. Kellie of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

Thomas W. Masterson, of Galveston county, representing District No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton,

E. B. Mayfield of Bosque county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

W. O. Murray of Wilson county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

E. G. Senter of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

J. M. Terrell of Bowie county, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

J. W. Veale of Potter county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

Q. U. Watson of Lee county, representing District No. 19, composed of the

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counties of Washington, Burleson, Lee and Bastrop.

John G. Willacy of Nueces county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

The Chair then instructed the Secretary to call the names of the Senators-elect, the following answering:

W. N. Adams of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

W. J. Bryan of Taylor county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

R. E. Cofer of Cooke county, representing District No. 4, composed of the counties of Grayson and Cooke.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

J. P. Hayter of Wise county, representing District No. 31, composed of the counties of Denton, Wise and Montague.

F. Charles Hume, Jr., of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

John L. Peeler of Travis county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

Tom W. Perkins of Collin county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

Julius Real of Kerr county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

C. C. Stokes of Houston county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

B. B. Sturgeon of Lamar county, representing District No. 3, composed of the counties of Fannin and Lamar.

H. B. Terrell of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

H. Bascom Thomas of Hopkins county, representing District No. 2, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

Pierce B. Ward of Johnson county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

F. C. Weinert of Guadalupe county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

The roll of the full Senate was then called, the following answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of Bowie.
Hoisey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

OATH OF OFFICE.

There being a quorum present, the Chair requested the new members to appear before the bar of the Senate, whereupon the constitutional oath of office was administered, the Chair stating that he held a certificate of election from the Secretary of State of all the new members.

ORGANIZATION RESOLUTION.

Senator Willacy offered the following resolution:

Resolved, That the officers and employes hereafter designated are essential to the proper service of the Senate, and shall be appointed and elected and receive compensation as hereinafter provided, and shall continue until discharged by the same authority which elects or appoints them to the respective offices or employments to which they shall be elected or appointed, provided

that such employment shall not extend beyond the regular session.

2. That the Senate shall by ballot elect the following officers:

Secretary, Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Bookkeeper and Clerk to the Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Assistant Calendar Clerk, Enrolling Clerk, Assistant Enrolling Clerk, Engrossing Clerk, Assistant Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, Chaplain, thirteen committee clerks, who shall be stenographers, two general clerks, all of whom shall be assigned by the President of the Senate to their respective duties; Clerk of the Finance Committee, Notarial Clerk. Each of said officers and employes shall receive as compensation for their services the sum of five (\$5.00) dollars per day.

3. The President of the Senate shall appoint the following officers and employes of the Senate, viz.: A Private Secretary and a Postmaster, who shall each receive the sum of five (\$5.00) dollars per day. Seven pages, who shall receive the sum of two (\$2.00) dollars per day; and six porters, who shall receive the sum of two (\$2.00) dollars per day.

4. In presenting the name of the candidates for the various places to be filled by election, the Senator presenting a candidate shall write the name of the candidate on a slip of paper and send the same to the Secretary to be read, and nominating and seconding speeches shall be and are dispensed with.

5. That the Senate do now proceed to elect, by ballot, the officers which, by the resolution, it is required to elect.

6. Resolved, That all officers and employes of the Senate shall be subject to special assignment by the President of the Senate, at his discretion, and that he shall have authority to change or to add to their duties whenever, in his judgment, the occasion may exist therefor.

The resolution was read and adopted.

ORGANIZATION.

In accordance with the above resolution the Senate proceeded to organization, Senator Willacy making all nominations, which arrangement had previously been agreed upon.

The Chair appointed the following tellers to act in the election of all the

officers: Senators Meachum, Hayter and Veale.

Nominations for Secretary being in order, Clyde D. Smith of Wichita county was nominated.

There were no other nominations.

Mr. Smith received 31 votes, and was declared duly and constitutionally elected.

Nominations for Assistant Secretary being in order, J. R. Waties of Harris county was nominated.

There were no other nominations.

Mr. Waties received 31 votes and was declared duly and constitutionally elected.

On motion of Senator Willacy, the election of Sergeant-at-Arms was postponed for this hour.

Nominations for Assistant Sergeant-at-Arms being in order, D. F. Hughes of Limestone county was nominated.

There were no other nominations.

Mr. Hughes received 31 votes, and was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, R. M. Gilmore of Van Zandt county was nominated.

There were no other nominations.

Mr. Gilmore received 31 votes, and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, J. R. Johnson of Red River county was nominated.

There were no other nominations.

Mr. Johnson received 30 votes, and was declared duly and constitutionally elected.

Nominations for Calendar Clerk being in order, W. E. DeLamar of Rusk county was nominated.

There were no other nominations.

Mr. DeLamar received 30 votes, and was declared duly and constitutionally elected.

Nominations for Assistant Calendar Clerk being in order, Daniel Craddock of Houston county was nominated.

There were no other nominations.

Mr. Craddock received 29 votes, and was declared duly and constitutionally elected.

Nominations being in order for Enrolling Clerk, Wm. Beaumont was nominated.

There were no other nominations.

Mr. Beaumont received 29 votes, and was declared duly and constitutionally elected.

Nominations for Assistant Enrolling

Clerk being in order, M. P. Kelly of Denton county was nominated.

There were no other nominations.

Mr. Kelly received 31 votes, and was declared duly and constitutionally elected.

Nominations being in order for Engrossing Clerk, F. P. Smith of Cooke county was nominated.

There were no other nominations.

Mr. Smith received 31 votes, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Engrossing Clerk, Geo. H. Barney of Ellis county was nominated.

There were no other nominations.

Mr. Barney received 29 votes, and was declared duly and constitutionally elected.

Nominations being in order for Doorkeeper, Ben S. Rogers of Washington county was nominated.

There were no other nominations.

Mr. Rogers received 31 votes, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Doorkeeper, T. F. McClure of Jones county was nominated.

There were no other nominations.

Mr. McClure received 31 votes, and was declared duly and constitutionally elected.

The election of Chaplain was postponed for this time, on motion of Senator Willacy.

The next order of business being the election of committee clerks and stenographers, Senator Hudspeth moved that the Senate vote on the nominees as a whole. The motion prevailed.

The following names were presented and elected:

Stenographers—M. T. Barrett, Miss Eula Hurlock, Miss Jennie Daugherty, W. R. Vermillian, Miss Rachel Lang, Miss Theodora Bell, Miss Margaret Claiborne, Miss J. G. Nagle, Mrs. Hope Harrison Hawkins, Miss Viola Morris, Jack Hall, Miss Mary McSpadden, and Miss Beatrice Hearne.

General Committee Clerks—Daniel Watson and M. J. Cox.

Finance Committee Clerk—J. H. Wagner.

Bookkeeper to Sergeant-at-Arms—Chas. Rugel.

Notarial Clerk—Jesse McGarety.

The above nominations were confirmed by a viva voce vote.

Here Senator Murray moved that the action of the Senate in electing the En-

rolling Clerk and Assistant be rescinded. The motion prevailed.

The Senate then proceeded to the election of these officers, as follows:

M. P. Kelly was elected Enrolling Clerk and Wm. Beaumont was elected as Assistant, the former election being simply reversed from the way it was intended.

In accordance with the above resolution, Lieutenant Governor Davidson made the following appointments:

Postmaster—Mrs. A. T. Shirley of Collin county.

Private Secretary to Lieutenant Governor—R. J. Waldeck of DeWitt county.

Pages—Cecil D. McHenry of Lampasas county, Berwin Hale of Lee county, O. B. Zengerle of Bexar county, Hubert Wheless of Travis county, Frank M. Ball, Jr., of Bowie county, Bryan Montgomery of Tarrant county and Fred Buchanan of Harris county.

Porters—Ellis Monroe, Frank Brown, John Walker, Chester Odom, Frank Kelly and John Robison.

The Chair, Lieutenant Governor Davidson, here administered the oath of office to the above elected officers, except the Assistant Journal Clerk, who was absent.

PRESIDENT PRO TEM.—ELECTION OF.

The Chair here announced the next order of business was the election of a President Pro Tem., whereupon Senator Willacy placed Senator Terrell of Bowie county in nomination.

There being no other nominations, the Chair declared nominations closed. The same tellers as previously appointed counted the vote and announced that Senator Terrell was unanimously elected.

The Chair appointed Senators Willacy, Cofer and Sturgeon to escort Senator Terrell to the President's stand, and after a few well chosen introductory remarks by the Chair, Senator Terrell addressed the Senate and thanked them for the honor conferred upon him.

The oath of office was then administered Senator Terrell by Lieutenant Governor Davidson.

(Senator Brachfield presiding.)

SERGEANT-AT-ARMS.—ELECTION OF.

The Chair announced that the election of a Sergeant-at-Arms was the next

order of business, whereupon Senator Mayfield placed in nomination M. F. Hornbuckle of Bosque county, and

Senator Peeler nominated C. H. Allen of Travis county.

There being no other nominations, the Chair declared nominations closed.

Mr. Hornbuckle received 16 votes, and Mr. Allen received 15 votes.

Mr. Hornbuckle having received a majority of all the votes cast, was declared duly and constitutionally elected.

(Lieutenant Governor Davidson in the chair.)

CHAPLAIN—ELECTION OF.

The Chair then announced that the election of a Chaplain was the next order of business, whereupon

Senator Cofer placed in nomination Rev. W. O. Raines of Grayson county, and

Senator Paulus placed in nomination Rev. H. M. Sears of Travis county.

There being no other nominations, the Chair declared nominations closed.

Rev. Raines received 12 votes, and Rev. Sears received 18 votes.

Rev. Sears having received a majority of all the votes cast, was declared duly and constitutionally elected.

Here the Chair administered the oath of office to the Sergeant-at-Arms.

SIMPLE RESOLUTIONS.

By Senator Hudspeth:

Resolved by the Senate, That each member of this Senate and Lieutenant Governor be allowed to subscribe for five daily papers, to be paid for out of the contingent fund of this Senate.

The resolution was read and adopted.

Senator Willacy here offered a resolution anent the death of former Senator Green, which was, on motion by Senator Mayfield, adopted by a rising vote. (See memorial page for resolution.)

Senator Willacy offered the following resolution:

Resolved, That the rules of the Thirtieth Senate be adopted as the rules of the Thirty-first Senate until such time as new rules may be adopted.

HOLSEY,
WILLACY.

The resolution was read and adopted.

Senator Willacy offered the following resolution:

Resolved, That the Senate do now proceed to select seats for the session, selections to be made as follows: The Secretary shall place the names of all Senators on separate slips of paper, mix them well and draw from them one at a time. As names are drawn the respective Senators shall select their seats. Before said drawing begins all Senators shall retire behind the bar of the Senate.

The resolution was read and adopted.

In accordance with the above resolution, the Senators proceeded to the drawing of seats, Senator Harper acting for Senator Terrell of McLennan who was absent.

Senator Mayfield offered the following resolution, which was read and adopted:

Resolved, That all permanent supplies for the use of the Thirty-first Senate be purchased by the Sergeant-at-Arms on order previously made therefor by the Committee on Contingent Expenses; that the Sergeant-at-Arms shall keep an itemized account of all moneys expended by him on behalf of the Senate, showing to whom paid and for what purpose expended; and all stationery procured by him for the use of the Senate shall have no print of name, number or any other matter rendering the same unsuited for use by any subsequent Senate, and that he immediately report to this body what material left over from the last session of the Senate is in the Sergeant-at-Arms' office, and whether under the resolution requiring him to do so, he left an itemized account of all material on hand at the close of last session belonging to the Sergeant-at-Arms' office or belonging thereto.

NOTIFICATION COMMITTEES.

On motion of Senator Willacy, the Chair appointed the following committee to notify the Governor that the Senate was organized and ready for business: Senators Peeler, Perkins and Terrell of McLennan.

To notify House: Senators Hudspeth, Hume and Thomas.

ADJOURNMENT.

On motion of Senator Veale, the Senate adjourned until tomorrow morning at 10 o'clock.

The resolution was unanimously adopted by a rising vote.